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MEMO ENDORSED

August 6, 2008

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BY FACSIMILE (212-805-6326)

Hon. Colleen McMahon
United States District Court
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

8/8/08
File your Answer
Colleen McMahon

Rc: Moises Mendez v. Starwood Hotels & Resorts Worldwide, Inc.
08-cv-4967 (CM) (KNF)

Dear Judge McMahon:

This firm represents defendant Starwood Hotels & Resorts Worldwide, Inc. ("Starwood") in the above-referenced matter. We write in response to letter of plaintiff's counsel of earlier today.

We are surprised that opposing counsel persists in objecting to what we would have expected to have been consented to as a matter of courtesy. We do need to clarify the facts. On June 16, 2008, this Court did so order a stipulation extending Starwood's time to answer or otherwise move by 5 days, to June 27, 2008. Starwood filed its motion to dismiss on that date. While the Court also so ordered another agreed-to extension of 5 more days, Starwood did not use this additional time. Accordingly, while there have been two extensions, the actual delay has been only 5 days.

Opposing counsel also omits to mention that Starwood has served its Rule 26(a) initial disclosures and the parties are proceeding with discovery. We therefore do not comprehend how this has limited plaintiff's discovery to date.

Finally, under your Honor's individual practices, Starwood's motion for reconsideration may be decided as early as shortly after the motion papers are filed, which could cause this request to result in very insubstantial delays.

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Hon. Colleen McMahon
August 6, 2008
Page 2

Starwood accordingly reiterates its request that this Court stay Starwood's time to answer the Complaint to 20 days following the Court's decision on Starwood's motion for reconsideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Starr", with a long horizontal flourish extending to the right.

Michael Starr

cc (via e-mail): Kenneth P. Thompson, Esq.
Ari Graff, Esq.
Jamie E. Balanoff, Esq.